

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ROY ALAN O'GUINN,

Plaintiff,

v.

NEVADA DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

3:07-cv-00450-LRH-VPC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge Valerie P. Cooke (#85<sup>1</sup>) entered on August 26, 2010, recommending granting in part and denying in part Defendants' Motion for Summary Judgment (#74) filed on April 26, 2010, and that plaintiff's remaining claim for breach of contract be dismissed for lack of jurisdiction, and denying Plaintiff's Motion for Summary Judgment, or in the Alternative Partial Summary Judgment (#75) filed on April 26, 2010. Plaintiff filed his Objections to the Magistrate Judge's Report and Recommendation on Plaintiff's and Defendants' Motions for Summary Judgment (#86) on September 13, 2010, and Defendants filed their Response to Plaintiff's Objections to the Magistrate Judge's Report and Recommendation on Plaintiff's and Defendants' Motions for Summary Judgment on October 8, 2010 (#90), pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 3-2 of the Rules of Practice of the United

<sup>1</sup>Refers to court's docket number.

1 States District Court for the District of Nevada.

2 The Court has conducted its *de novo* review in this case, has fully considered the objections  
3 of the Plaintiff, the pleadings and memoranda of the parties and other relevant matters of record  
4 pursuant to 28 U.S.C. § 636 (b) (1) (B) and Local Rule IB 3-2. The Court determines that the  
5 Magistrate Judge's Report and Recommendation (#85) entered on August 26, 2010, should be adopted  
6 and accepted.

7 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation  
8 (#85) entered on August 26, 2010, is adopted and accepted, and Defendant's Motion for Summary  
9 Judgment (#74) is GRANTED IN PART and DENIED IN PART, and that plaintiff's remaining claim  
10 for breach of contract is DISMISSED for lack of jurisdiction

11 IT IS THEREFORE FURTHER ORDERED that Plaintiff's Motion for Summary Judgment,  
12 or in the Alternative Partial Summary Judgment (#75) is DENIED.

13 IT IS SO ORDERED.

14 DATED this 29th day of October, 2010.

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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE